



HAMPDEN TOWN COUNCIL WORKSHOP
HAMPDEN MUNICIPAL BUILDING
AGENDA

TUESDAY

OCTOBER 12, 2021

6:00 P.M.

- A. CALL TO ORDER
- B. UNFINISHED BUSINESS
- C. NEW BUSINESS
 - a. Council discussion on changing public notice requirements, *requested by Councilor Erickson.*
 - b. Council discussion on inflow and infiltration fee request to be added to sewer bills, *requested by Victor Smith, Public Works Director.*
 - c. Council discussion on Proposed Stormwater Ordinance.
 - d. Council discussion on Pilot Programs vs Service Charges Ordinance, *requested by David Johnson, Deputy Treasurer.*
 - e. Council discussion regarding Manning Mill Bridge emergency response.
 - f. Council discussion on the sale of town owned property, identified as map 5 lot 48, to the immediate abutter Robert Meyers for the purpose of gaining proper set back.
- D. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE
REMOTE HAMPDEN TOWN COUNCIL
WORKSHOP ON OCTOBER 12, 2021 AT 6:00 PM
YOU MAY PHONE IN USING THE FOLLOWING
NUMBER (FOLLOWED BY THE PIN #)

1-470-285-0128 PIN 510 249 200#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: [https://meet.google.com/
muu-ayqt-vhz?hs=122&authuser=0](https://meet.google.com/muu-ayqt-vhz?hs=122&authuser=0) AND JOIN
US THAT WAY

INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: September 15, 2021
RE: Process of Public notification

Councilor Erickson requested this item be placed on the agenda for discussion about changing our notification process in an effort to increase notification and to save money. I have included excerpted pages from the Town Charter, the Planning Board by-laws, and a statute reference about newspapers for some back ground information which might be used as a jumping off point for discussion.

As a general rule, Title 1 requires public notice for meetings of public bodies when 3 or more members are in attendance. Those types of notices, such as our agendas, are not legally required to be posted in a newspaper. The Town of Hampden follows the general standard set out in section 406 which requires notice that allows for ample time for the public to attend, and in a manner that is considered "best" or customary. For agendas, notices of due dates, and other matters of town business which are not required to be posted in a newspaper, we follow the requirements of the so called "right-to-know" law which is the Freedom of Access Act. Thus, the best and customary places for posting are on our website, as well as hard copies at the Town Office, the Post Office, and the Hannaford sign board. Depending on the subject matter, sometimes we post on our social media site.

For ordinance adoption or amendment, referendum questions, zoning amendments (including map amendments), comprehensive plan adoption or amendment, charter adoption or amendment, borrowing authorizations, TIFs, and other certain licenses and permits, the Town of Hampden follows statutory or charter requirements for not only particular time frames for posting specific to each activity, but also the legal requirement to publish in a newspaper. The Town Charter mimics statute with regard to the definition of "publish" and the method of ordinance adoption. When the reason for the notice is not initiated by the Town itself, the fees are passed onto the person requesting the action, such as a notice for a zoning map amendment for instance.

In summary, I believe that the legislation that requires publishing in newspapers certain actions of elected or appointed officials is in fact reaching more people than a mere website would and which I believe, it why it remains in statute. The website is a method by which to augment, not supplant notice for highly important and critical actions of government and which arguably does not disenfranchise those without access to technology or the internet.

HAMPDEN PLANNING BOARD

BY-LAWS

ARTICLE 1 – NAME

This organization shall be known as the Hampden Planning Board.

ARTICLE 2 – PURPOSE

These By-Laws are established by the Hampden Planning Board to aid in the fulfillment of its responsibility under the Maine Constitution, the Statutes of Maine, the Charter of the Town of Hampden and the Municipal Ordinances, all of which have precedence. These By-Laws are intended to insure fair and equitable treatment in all proceedings of the Hampden Planning Board. A copy of these By-Laws is available at the Town office and on the Town of Hampden web site.

ARTICLE 3 – MEMBERSHIP

- A. The Planning Board consists of seven regular members and two alternates appointed by the Town Council for terms of five years each.
- B. All Planning Board members, regular and alternate, shall be expected to attend all meetings.
- C. An alternate member may participate in the Board's proceedings but may vote only when s/he has been designated by the Chairperson to sit in for a regular member. The Chairperson shall so designate when any regular member is absent or when a regular member is unable to act because of conflict of interest or any other satisfactory reason.
- D. The Planning Board may create standing or special committees at any time by majority vote of its members, for the purpose of handling specific tasks as may be necessary for the conduct of business, with the exception that no such committee may be created for the purpose of reviewing or otherwise dealing with an application before the Board under the Subdivision or Zoning Ordinances.

ARTICLE 4 – OFFICERS AND DUTIES

- A. The Board shall elect a Chair and Vice Chair from its members annually at its regularly scheduled meeting in January for a one year term. The Chair and Vice Chair are eligible for reelection.
 1. The Chairperson shall call all meetings of the Planning Board and shall preside at all meetings of the Board.
 2. The Chairperson shall call at least eight regular meetings of the Board each year.
 3. The Chairperson shall represent the Planning Board and be its official spokesperson in all matters.
 4. The Chairperson may appoint committee Chairpersons subject to Board approval.
 5. In the event that the Chairperson is unable to attend a called meeting of the Planning Board, the Vice Chair of the Board will act in his/her stead at that meeting.
- B. The staff (planner, administrative assistant) is responsible for maintaining accurate records of the Planning Board meetings, including all official actions, as well as correspondence of the Planning Board. All records shall be maintained in accordance with the Maine State Archives Local Government Record Retention Schedules in the Town Office and may be inspected during municipal business hours. Minutes of all meetings of the Planning Board shall be distributed to the members of the Board, and posted on the Town's website after approval.

ARTICLE 5 – MEETINGS

- A. Regular meetings of the Planning Board shall be held on the second Wednesday of the month, and workshop meetings, if needed, shall be held on the third Tuesday of the month.
- B. Special meetings may be called by the Chairperson, provided that 48 hour notice is given to each Planning Board member.
- C. A quorum of the Board necessary to conduct official business shall consist of four members. A concurring vote of a majority of those present and eligible to vote is required in order for the Planning Board to act officially.
- D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is challenged.
- E. The agenda and materials for regular meetings shall be distributed to all members at least six days prior to the meeting.

ARTICLE 6 – RULES OF PROCEDURE

- A. Submission Deadlines.
 - 1. Applications for projects that do not require a public hearing per Article 7 or other requests are due to the Planning Department 15 days prior to the meeting date.
 - 2. Applications for projects that require a public hearing but do not require third party peer review are due to the Planning Department 30 days prior to the meeting date.
 - 3. Applications for projects that require a public hearing and require third party peer review are due to the Planning Department 44 days prior to the meeting date.
 - 4. Whenever the due date falls on a day the Town Office is closed, the due date is automatically shifted to the next date the Town Office is open.
- B. Meetings shall be conducted in accordance with Maine Statutes, including Maine's Freedom of Access – Public Right to Know Law, as outlined in Title 1, M.R.S.A., Sections 401-410, as amended, Town Ordinances, these By-Laws and pertinent parts of the latest revisions of Roberts Rules of Order. However, the Board may also establish special rules for the conduct of any business provided such establishment of rules does not violate state or municipal law or ordinance.
- C. Information regarding applications before the Board shall be presented to the Planning Board either as part of a formal application submitted in accordance with the zoning and/or subdivision ordinances or as verbal or written testimony for a public hearing.

ARTICLE 7 – PUBLIC HEARINGS

All public hearings held by the Planning Board as required by law or ordinances of the Town of Hampden, in addition to meeting special requirements of such law or ordinances, shall comply with the following procedures unless waived by the Planning Board.

- A. Public hearing notice.
 - 1. Public hearings must be advertised in a local newspaper at least 10 calendar days prior to the date of the hearing.
 - 2. Notice of public hearings must be mailed to all property owners within 300 feet of the property subject to the application as shown in the Assessor's records.
 - 3. Town staff is responsible for preparing and distributing such notices, but the applicant is responsible for paying the costs of the newspaper ad and a butler notification. No hearing notice will be published in the newspaper until payment is received.
- B. Under state disposition requirements, only paper, microfilm, or microfiche copies of records are official. However, public hearings may be recorded and the recording of the hearings may be posted on the Town of Hampden web site.

- C. The applicant, or the applicant's representative, shall present opening statements regarding the project, including any plans, reports, testimony, or other evidence.
- D. The Town Planner, followed by other Town staff or other officials may introduce any correspondence, present reports, commentary, and recommendations.
- E. All interested parties and members of the public shall be given an opportunity to offer statements relevant to the project under consideration; however, the Chairperson may limit discussion to new information and pertinent information. The Board may limit testimony to a set time period for each member of the public present and may extend or modify this time period based upon a majority vote of those Board members present and voting.
- F. Any interested party may submit written testimony at or prior to the public hearing.
- G. All information, recordings and materials made part of the public hearing shall be maintained as part of the permanent record of the meeting. Costs of transcriptions of the hearings shall be borne by the party requesting the transcript.

ARTICLE 8 - ADOPTION AND AMENDMENTS

These By-Laws may be adopted and/or amended by a concurring vote of at least 5 members at any regular meeting of the Planning Board, provided the proposed By-Laws or the proposed amendment has been discussed at the previous regular meeting of the Board.

for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

Sec. 211 Procedure –

- (a) Meetings*** - The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of five (5) or more members by causing a notification to be given or left at the usual dwelling place of each council member. If practicable, such notice shall be given not less than twelve hours before the special meeting and shall be published in a paper having general circulation in the town. All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership, town manager and to other persons the council votes to admit, any matter which would tend to defame or prejudice the character or reputation of any person, provided that the precise subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. The foregoing action shall be governed by state law, MRSA, Title I, §405, as amended. Any citizen at the meeting shall have the opportunity to speak upon any subject before the council. *(Amended: June 8, 1982)*
- (b) Rules and Journal*** - The council shall determine its own rules.
- (c) Secretary*** - The town clerk shall act as secretary of the town council and shall keep a record of all council proceedings including all roll call votes. The Town Clerk or designee shall act as recording secretary at town council meetings. *(Amended: December 5, 1977)*
- (d) Voting*** - The ayes and nays of any vote taken by the town council shall be entered in the record of the proceedings of the council by the Town Clerk, or designee. Four members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council shall be binding or valid unless adopted by the majority vote of those present. *(Amended: June 8, 1982, November 6, 2007, November 4, 2014)*
- (e) Agenda*** - Any subject may be placed on the agenda for a council meeting by a councilor, the town manager or at the request of any citizen. Any subject presented by a citizen must be received at the town office at least 5 calendar days prior to the council meeting. The agenda shall be prepared and posted in the town office at least one business day prior to a scheduled council meeting.

Sec. 212 Action Requiring an Ordinance - In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of council shall be by ordinance which:

- (1)** Adopt or amend an administrative code, or establish, alter or abolish any town department, office or agency;
- (2)** Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3)** Grant, renew or extend a franchise;
- (4)** Regulate the rate charged for its services by a public utility;
- (5)** Authorize the borrowing of money other than tax anticipation notes;
- (6)** Convey or lease or authorize the conveyance or lease of any lands of the town;

- (7) Amend or repeal any ordinance previously adopted;
- (8) Amend or establish town fees; and

Acts other than those referred to in the preceding sentence may be done by ordinance, by order or by resolution. *(Amended: June 8, 1982)*

Sec. 213 Ordinances In General

- (a) *Form* - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Hampden hereby ordains...." Any ordinance which repeals or amends an existing ordinance or part of the Hampden Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.
- (b) *Procedure* - An ordinance may be submitted as an agenda item by any member of the council at any regular or special meeting. Copies of the proposed ordinance are to be included with the council packet. After council discussion, the proposed ordinance may be introduced as submitted or amended for public hearing. A reasonable number of copies of said ordinance shall be filed in the town clerk's office and such other public places as the council may designate, and a notice setting out the time and place for a public hearing on same shall be published. The public hearing shall follow the publications at least seven (7) days, may be held separately or in conjunction with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or may reject it; but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a new ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall publish a notice of its adoption.
(11) *(Amended: June 8, 1982)*
- (c) *Effective Date* - Except as otherwise provided in this charter every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date as specified therein.
- (d) *"Publish" Defined* - As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town; (1) the ordinance or a brief summary thereof, and (2) the place where copies of the complete text have been filed and the time when they are available for public inspection. *(Amended: June 8, 1982)*

Sec. 214 Emergency Ordinances - To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except where any emergency notes or renewals thereof are paid within twentyfour months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least all members present shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall automatically stand

Maine Revised Statutes
Title 1: GENERAL PROVISIONS
Chapter 15: STATE PAPER; LEGAL
NOTICES
Subchapter 2: LEGAL NOTICES

§601. Publication of legal notices and advertising

To be qualified as a medium for the publication of legal notices, legal advertising and other matter required by law to be published in a newspaper, a newspaper, unless otherwise ordered by the court in the proceedings, must be printed in the English language; must be entered as 2nd class postal matter in the United States mails; and must have general circulation in the vicinity where the notice is required to be published. Any legal notice, legal advertising or other matter required by law to be published in a newspaper must appear in all editions of that newspaper and must appear on any publicly accessible website that the newspaper maintains in accordance with the requirements of section 603. [2013, c. 368, Pt. YYYY, §1 (AMD).]

Beginning July 1, 2013, a newspaper publishing legal notices may not charge agencies of the executive branch a rate greater than the rate that the newspaper charges the Legislature to publish legal notices. [2013, c. 368, Pt. YYYY, §1 (NEW).]

SECTION HISTORY

1967, c. 428, §1 (AMD). 1987, c. 667, §1 (RPR). 1997, c. 405, §1 (AMD). 2013, c. 368, Pt. YYYY, §1 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes

(mailto:webmaster_ros@legislature.maine.gov) • 7 State House
Station • State House Room 108 • Augusta, Maine 04333-0007

Page composed on 10/13/2016
02:59:43



TOWN OF HAMPDEN DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-5067

September 23, 2021

To: Paula Scott
From: Victor J. Smith, P.E.
Subject: I/I Fee Request

Inflow and Infiltration (I/I) into our existing sewer system is costing the Town of Hampden tens of thousands of dollars every year in the form of increased wastewater processing costs, wear and tear on our pump stations, and increased electricity usage to power the pumps. I/I also uses sewer flow capacity which would be better used for development and actual sewage flow.

Infiltration is groundwater that seeps into the sewer collection system through damaged and aging pipes and manholes. Point sources of infiltration are being corrected as they are discovered. Other sources of infiltration can only be addressed by upgrading aging systems which requires significant expenditure to rebuild the system. This is being done as money becomes available but is a much more difficult thing to correct in the short term.

The most efficient way to reduce the capacity demand of our sewer system is to eliminate sources of inflow to the system. Inflow is water that enters our sewer system through direct connection of stormwater drainage to our sewer system. This typically takes the form of basement sump pumps that are directly tied to the sewer system inside of buildings. Inflow of this type cannot be measured or accounted for unless the basement of these buildings can be inspected.

These inspections have met with some resistance from residents as an invasion of privacy. Our sewer ordinance gives us the legal right to inspect basements, but we do not have the time or manpower to deal with resistant residents who do not want to be cooperative with inspections. For this reason, I am proposing the imposition of an I/I fee to be added to the sewer bills in the amount of \$50 per quarter. This fee would be based upon the number of buildings serviced by that account, (example: an apartment complex with 5 separate buildings would be charged \$250 per quarter whereas a single-family residence would be charged \$50 per quarter). This fee would be removed from an account once the Town was allowed access to perform an inspection and no direct connection was found.

We currently have 1573 sewer accounts which would require inspection minus a few that have been inspected during the Mayo Road I/I study. This would require significant manpower resources, especially if everyone called for inspections in a short period of time. I propose to enact the fee and make the first billing of the I/I fee be scheduled for the January 2023 billing. This gives the town approximately 14 months to do the inspections that would be requested by residents and businesses.

It will also allow for approximately 14 months for residents and businesses that may still be illegally connected to get any repairs done and inspected before the fee officially goes into effect.

To this end the sooner that we minimize the amount of inflow into our system the sooner we can start using that excess capacity to fuel development. Eliminating inflows will also allow us to determine whether we have significant infiltration into certain sections of our system because we will be able to inspect our systems during off peak hours and monitor the flows during rain events and high groundwater times of the year. Determining whether high flows are caused by inflow or infiltration will determine the course of action that will be required to correct the issue.



TOWN OF HAMPDEN DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-5067

October 4, 2021

To: Paula Scott
From: Victor J. Smith, P.E.
Subject: Stormwater and Cellar Drain Connection Ordinance

We have done some research into permitting cellar drains into our existing storm drain systems in response to recent rainfall events and backed up storm drains. We have found a 1992 resolution of the Hampden Town Council (attached to this memo) that allows cellar drains to be piped into our storm drain system although the resolution never specifically says closed drainage system but does refer to open drainage ditches. This resolution also states that piping into our system is allowed but property owners do it at their own risk.

A storm drain system be it open ditches or a closed system (catch basins and pipe) is typically designed and intended to remove surface water from our roadways to protect them from freezing in the winter and saturating the base and subgrade which amplifies loading of the roadway base and can contribute to premature roadway failure. Drainage systems are designed for the expected surface water volume and typically does not account for water pumped into it from sump pumps.

For the sake of this memo, I am going to provide a short hypothetical example of how inflow into the stormwater system from basements can cause issues and backups. A typical 12 PE drainpipe set at a 1% grade can discharge approximately 1900 gallons per minute. A typical ½ HP sump pump can pump 60-85 gallons/min depending upon the configuration of the pump. It is not unreasonable to believe that in a flat area such as Independence that all the basement sump pumps are hooked into the Towns stormwater system. During excessive rainfalls which fill the pipes there is no place for this water to go. Just ten homes with sump pumps kicking on at the same time fill the pipe to 1/3 its capacity without a drop of surface water entering the system.

Closed drainage systems are typically not maintained except for cleaning out the sumps of the catch basins. If an underground storm drain pipe gets clogged between basins then the jet truck would be employed to clean the pipe. This cleaning is not done as part of routine maintenance but is done when a definite backup is noticed in a catch basin. By the time a backup is observed it is already too late to prevent water from backing up into any cellar that is connected to it.

The proper way for a homeowner to hook into the Town's drainage system is to install an inline backflow preventer in the pipe leaving the basement towards the drainage system. This prevents backed up water in the drainage system from backflowing into the basement from the Towns overloaded system. Additionally, since the sump pump cannot force water

into an overloaded system the sump piping should allow for a secondary discharge out onto the property owners lawn. A system so designed should keep the basement dry during almost all rainfall events.

During the last fourteen months we have experienced four significant heavy rainfall events that have caused localized flooding in some of our storm drain systems. These systems will take time and money to get replaced. In the meantime, I believe that we should update our cellar drain connection ordinance to require a backflow preventer for every basement drain that enters our storm drain system so that the Town's surface water runoff does not enter property owners basements due to clogged or overwhelmed storm drains.

RESOLUTION ON CELLAR DRAINS

WHEREAS, the Town of Hampden maintains a number of drainage ditches to accommodate surface water run off, etc.; and

WHEREAS, there appears to be an increasing number of private cellar drains being pumped to the town's drainage ditches; and

WHEREAS, the Town of Hampden does not have a written policy on said cellar drains being pumped to town ditches; and

WHEREAS, the Town of Hampden chooses not to penalize those propertyowners utilizing the town's drainage system; and

WHEREAS, in some cases, an alternate private drainage system cannot be provided.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Hampden Town Council hereby declares those propertyowners utilizing town drainage systems may continue to do so at their own risk and with the further understanding that the propertyowner is liable for any back up or freeze up to private property.

March 16, 1992

HAMPDEN TOWN COUNCIL

By: _____
TOWN COUNCIL MAYOR

PASSED 3/16/92

TOWN OF HAMPDEN
STORM DRAIN CONNECTION ORDINANCE

1 Purpose and Applicability

1.1 Purpose. This Ordinance is to promote the public health, safety, and general welfare by establishing requirements and procedures to control the adverse impacts associated with stormwater runoff within the Town of Hampden.

1.2 Applicability. This Ordinance shall apply to:

- A. Developments with private storm drains that connect to a stormwater system owned and maintained by the Town of Hampden, and;
- B. The construction and reconstruction of all private storm drains that connect to a stormwater system owned and maintained by the Town of Hampden.

1.3 Interpretation

1.3.1 Interpretation. Nothing in this Ordinance shall be construed to prevent the construction of stormwater systems which meet higher standards or use improved methods or materials of equivalent or higher quality.

1.4 Repeal of Resolution

1.4.1 Repeal of Resolution. This Ordinance shall repeal the *Resolution on Cellar Drains* effective March 16, 1992.

1.5 Conflict with Ordinance

1.5.1 Conflict with Ordinance. This Ordinance shall in no way circumvent, impair, or remove the necessity of compliance with any other rule, regulation, bylaw, permit, or provision of law.

2 Definitions

For the purpose of this Ordinance, the following shall mean:

Backflow Preventer – A device that prevents the undesirable reversal of flow of a liquid, gas, or suspended solid in a storm drain piping system.

Connection – Any physical connection or potential connection whereby the public stormwater system is connected, directly or indirectly, with a private storm drain.

Illicit Connection – Any manmade conveyance connecting an illicit discharge directly to a municipal separate storm drainage system.

Storm Drain or Storm Sewer – A piping system which carries storm and surface waters and drainage but excludes sewage and industrial waste.

Stormwater System – The constructed and natural facilities used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use, and disposal of stormwater.

Closed System – A closed drainage system uses pipes and catch basins to convey stormwater to detention areas or other discharge locations.

Open System – An open drainage system uses swales, ditches, culverts, and open channels to convey stormwater to detention areas or other discharge locations.

3 Requirements

- 3.1 Backflow Preventer.** A backflow preventer shall be installed on all private storm drain systems that connect to a stormwater system owned and maintained by the Town of Hampden.
- 3.2 Installation and Maintenance.** The installation and maintenance of a backflow preventer and private storm drain shall be at the expense of the property owner and/or developer.

4 Prohibitions and Noncompliance

- 4.1 Prohibitions.** The following types of connections are prohibited:
- A. The construction, use, maintenance, or continued existence of a private storm drain connection to a public stormwater system without the required backflow preventer as stated in this Ordinance.
 - B. This prohibition expressly includes, without limitation, private storm drain connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - C. Illicit connections to sewer lines as defined in the *Town of Hampden Sewer Ordinance*.
- 4.2 Noncompliance.** It is the responsibility of the property owner and/or developer to comply with the requirements of this Ordinance. Therefore, the property owner and/or developer assumes liability for all damage resultant from a private storm drain system found in noncompliance with this Ordinance.



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: September 24, 2021
RE: Service Charges Ordinance

Following this memo, you will see information that the Deputy Treasurer has provided regarding a recommendation to keep the Service Charge Ordinance in place rather than switching to a PILOT program. Based upon his research, I would concur that the strongest part of the Service Charge Ordinance is the fact that it is an Ordinance and does carry the weight of being a part of our local code.

This memo, by way of introduction, sets out a request for the Town Council to consider

- 1.) Agreeing to keep the Service Charge Ordinance as our method by which we bill certain non-profits for municipal services that are otherwise born by the taxpayer, and,
- 2.) Amending the ordinance to accurately reflect the process of billing in keeping with the directives of the Town Council to bill each year the same. This is an effort to reduce appeals, but with a mechanism to revisit those charges every fifth year based upon the stated formula.

If it is the pleasure of the Council to recommend keeping the Ordinance in place with amendment, we would seek a referral and staff will set a public hearing.



Memorandum

TO: Paula Scott, Town Manager
FROM: David Johnson, Deputy Treasurer
DATE: September 24, 2021
RE: PILOT program vs Service Charges

I have spent a little time researching pilot programs vs the service charge ordinance that we currently have in place. The bottom line is that I feel we are better off keeping what we have in place and possibly only billing per the formula in the ordinance every 5th year (or so)" and continue billing based on the previous year for the 4 years in between.

We receive around \$9k a year for service fees that are legally enforceable under our ordinance. We could even lien property if the service fee is unpaid - not that we would do that, but I believe the option is there if we so desire.

Payment in lieu of taxes is NOT enforceable. I discovered where the city of Portland's Finance Director was initiating a pilot program back in 2017. It sounded great since they had close to \$3,000,0000 of assessed non-profit properties in the city. They came up with a formula that I thought we could consider using/modifying for the town of Hampden. They also had a 5 year program to phase in all the non-profits so they could prepare financially. After digging in a little deeper I was shocked not to see any information on their website, so I reached out to Portland's Tax Assessor to find out what the deal was. He said that the program never made it out of the Finance Committee. Several non-profits threatened to leave the city and even more voiced their disapproval of the thought of them having to pay a pilot.

Non-profits (for the most part) consider themselves as another asset to the town that they set up shop in and they are a "service" to the town just as the police dept., public works, etc. are. For this reason (as well as the fact that they do have non-profit status) they feel they should not have to pay for these services. Some non-profits will voluntarily pay a PILOT, mainly to have a photo opportunity for the local paper to receive a pat on the back from the town for their generous donation.

Bottom line is that our service fee ordinance is in place to collect from the non-profits that receive rental income. I feel that is a justifiable reason and that if we billed based on the previous year for 4 years and then on the 5th year bill based on the formula in the ordinance we would capture any big changes and save the Council, and everyone involved a lot of time.

I have prepared the FY22 bills and dated them for the council to review on the October 18th meeting. The bills that we sent out for the FY21 year are due on Oct. 15th. We have yet to receive payment on those bills which is why I thought we should at least wait until then to send the additional bills out. I can obviously change these to any date that makes sense.

The Town of Hampden Hereby Ordains

Proposed amendment of the Service Charges Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

TOWN OF HAMPDEN
SERVICE CHARGE ORDINANCE

Sec. 1. Authority. This Ordinance is enacted to pursuant to
30-A M.R.S.A. § 3001 36 M.R.S.A §652 (1) (L).

Sec. 2. Purpose. The purpose of this Ordinance is to establish an annual service charge to recover the cost of providing municipal services, other than education and general assistance, to owners and/or occupants of certain institutional and organizational real property which is otherwise exempt from state or municipal taxation.

Sec. 3. Creation of Service Charge. An annual service charge is hereby established effective with the municipal fiscal year commencing on July 1, 1992. The service charge shall be levied by the municipal officers against all residential property owned by an organization or institution if the property is otherwise totally exempt from property taxation and is used to provide rental income. The service charge shall not apply to student housing or parsonages.

Sec. 4. Calculation of Service Charge. The service charge shall be calculated according to the actual cost of providing municipal services to the property in question and the persons who use that property. Municipal services shall include, without limitation, the following: fire protection, police protection, road maintenance and construction, traffic control, snow and ice removal, ~~sewer-service~~, sanitation services, and any other services. For the purpose of this Ordinance, municipal services shall not include education and general assistance. Sewer service is billed at the metered rate for all users regardless of tax exemption status. The service charge benchmark for each property shall be determined in accordance with the following formula.

$$\frac{B}{V} \times JV = SC$$

where:

B = Budget for current fiscal year for municipal services, except education and general assistance

V = Total taxable valuation of municipality for the current fiscal year

JV = Just value of property in question

SC = Service Charge of property in question

The assessor shall provide the municipal officers with the following information at the time of the annual tax commitment: (1) list of property to which a service charge is applicable under this ordinance., (2) total taxable valuation of the municipality for the current fiscal year, and (3) the just value of the properties in question. The Town Manager shall provide the municipal officers with the amount of the budget for municipal services for the current fiscal year, along with a proposed service charge for each tax exempt property based on the foregoing formula. Once the initial service charge is established, the same charge will be assessed for four ensuing years. On the fifth year, the service charge will be reestablished based upon the foregoing formula.

Sec. 5. Levy of Service Charge. The municipal officers shall levy the annual service charge on the tax exempt property subject to a service charge under this Ordinance and shall establish a due date for payment of the same. The Treasurer shall send a statement to every affected property owner setting forth the amount of the service charge levied on the subject property.

Sec. 6. Limitation on Service Charge. The total service charges levied by the municipal officers under this Ordinance against any institution or organization shall not exceed 2% of the gross annual revenues of that institution or organization. Provided, however, that in order to qualify for the foregoing limitation, the institution or organization shall file with the municipal officers an audit of revenues of the institution or organization for its last fiscal year for which the service charge was levied. The municipal officers shall abate the service charge amount that is in excess of 2% of the gross annual revenues.

Se. 7. Collection. Unpaid service charges shall be collected in any manner available to the municipality, including, with limitation, the procedure provided in 38 M. R. S. A. § 1208, as may be amended from time to time.

Sec. 8. Use of Revenues. Revenues accrued from service charges shall be used, as much as possible, to fund the cost of providing the municipal services which were considered in calculating the service charges.

Sec. 9. Appeals. Any institution or organization may challenge the decision of the municipal officers to levy a particular service charge or the amount of a particular service charge by filing an appeal with the Board of Assessment Review. Such appeals shall be filed in writing with Town Clark within 60 days of the date on which notice is provided to the institution or organization by the Treasurer under Sec. 5 above indicating the amount of the service charge levied by the municipal officers. The Board of Assessment Review shall conduct a public hearing on the appeal and shall issue a written decision thereon within 60 days of the date the appeal was filed with the Town Clerk. Failure to issue a decision on an appeal within 60 days of the date the application was filed shall be deemed to be a denial thereof.

The appeal shall be processed in accordance with all applicable laws or ordinances, and such rules of procedure as may be established by or for the Board of Assessment Review. Any decision by the Board may be appealed to Superior Court by an aggrieved party pursuant to rule 80B of the Maine Rules of Civil Procedure.

Sec. 10. Severability. Should any provisions of this Ordinance be declared invalid by the Courts, such decision shall not invalidate any other provision of this Ordinance.

Adopted By Hampden Town Council on May 18, 1992. 

Amended by Hampden Town Council on _____



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: September 24, 2021
RE: Emergency Response to Manning Mill residents

At the September 13th Council workshop, DPW Director Victor Smith informed the Council about the state of the Manning Mill Bridge after the engineer from TY Lin had finished his assessment and cost analysis. To recap, the following critical deficiencies are as follows:

- 1.) Scour and undermining at Pier 2
- 2.) Steel protective coating failure; and
- 3.) Steel section loss

Streambed scour is the fluctuation in the vertical position of the streambed as material is eroded and degraded. When a streambed is eroded under a pier, the possibility of a pier slide or buckle is a very real possibility, and which has happened to various bridges throughout this and other countries. By way of illustration, in 1987 during a spring flood, the Schoharie Creek Bridge on the New York thruway collapsed. This was triggered in part due to a high amount of snow melt coupled with a "50 year flood" on the creek. This bridge collapsed while a tractor trailer and a car were on the top, and before it could be blocked off, other cars drove into the gap and in all, ten people perished. After this catastrophe, the National Transportation Safety Board, began an investigation and through its engineering team determined that the cause of the failure was due to extensive scour under one of the piers. We have experienced four "40 year rain events" in this past year alone which is concerning with regard to the scour already evident and which is no doubt getting worse.

Steel protective coating failure and steel section loss is due to the improper type of steel having been used during construction. In 1995 when the bridge was originally rebuilt, the original plans called for the use of what is called weathering steel or oxidizing steel. This type of steel alloys eliminates the need for painting because through oxidation, a stable rust-like covering forms after a few years of exposure to the elements. This 'coating' regenerates continuously when subjected to weather and continues to improve tensile strength. In the early 2000s, an excessive amount of corrosion was noticed, and it was determined that the composition of the steel used was not exactly weathering steel. It was at that point that the town began periodically painting the

bridge. Unfortunately, there has still been a loss of 1/8th of an inch of steel from what began as 5/8th inch girders.

I don't have information about when the Maine Department of Transportation began informing the Town of Hampden of the need to repair this (and the Sawyer Rd.) bridge prior to 2017, however, we can show that in 2017 the former Director Currier received notice that the MDOT intimated that if this bridge was not repaired, they could prohibit its use. In 2018, a 'Roads and Bridges bond' which included funds for both Manning Mill and Sawyer, was passed at referendum. In 2019, the MDOT load rated the bridge at 30,000 pounds.

The reason I have laid out all of this back ground and technical information is to demonstrate that although we have finally commenced the project, the condition of this bridge is considered serious, and we are still two years away from repair completion. Knowing as Victor pointed out in his presentation, that our pumper/tanker truck weighs 58,000 pounds and our rescue/pumper weighs 40,000 pounds, (28,000 and 10,000 pounds over the load rating respectively), I became concerned with how we would be able to respond to a fire on the other side of the bridge. I met with Chief Bailey, Deputy Fire Chief Lundstrom, and Director Smith to discuss ways in which we might safely be able to respond. We discussed mutual aid options and found that other communities that we have agreements with have trucks with similar weights. We discussed utilizing the military from the base and found the same situation with weight. We researched the possibility of utilizing a bailey bridge thinking we might be able to use it as a temporary measure. Unfortunately, a bailey bridge would have to be placed over the current structure if it were to be used, however, we would not be able to do so due to the unpredictability of the piers, and we still would not be able to place one without the proper permitting from DEP. We discussed the possibility of creating an alternate entrance by building a temporary gravel road through abutting property and across part of the original carriage trail that was there. This would not only take time to get easements from property owners, and cost an estimated \$200,000 or more, but would also take time to cut out and then build the road.


When it became apparent that all of the suggestions and ideas that we were kicking around were proving futile, I asked Deputy Chief Lundstrom if there were fire trucks on the market that could carry water and be used for interior firefighting, with all of the needed equipment and accessories, and at the weight we need. DC Lundstrom confirmed that with me and I asked him to find some options that perhaps we might consider leasing or purchasing, with Council approval, and which would be a way in which we might solve this problem. In my estimation, this dilemma is two-fold. We have to be able to provide fire coverage to the residents on the other side of Manning Mill bridge, and we have to protect the lives and safety of the members of the department who could be faced with a dangerous or deadly situation if they were to take an overweight piece of apparatus across a severely compromised bridge. I realize that in

emergency services, there is always risk involved. I also realize that there is sometimes a fine line between risk and negligence, and I believe we are walking it.

In some ways, trying to find a way to provide fire protection to those residents is akin to the Council's philosophy of being able to provide adequate fire coverage in the rural areas of town. During DC Lundstrom's research, he was able to find three trucks that would serve this purpose, but which would also serve other areas of rural Hampden where access with larger vehicles while not impossible, would be easier with a truck this size. I want to reiterate for your edification, that this in no way began or remains a request of the Fire Department as a way to gain another piece of equipment. As a matter of fact, both Chief Bailey and DC Lundstrom showed concern for the simple reason of how it might be perceived. Again, this thought was mine; it was I that asked for the Department to find a piece of equipment that might be used. It was an effort on my part to try to solve a problem.

Following this memo, you will find information from DC Lundstrom outlining his research, as well as three options for equipment and a leasing option. It would be my recommendation to lease or purchase *something*, and I look forward to discussing it with you.

Hampden Public Safety Fire Department

To: Paula Scott – Town Manager
From: Jason Lundstrom- Deputy Fire Chief 
Date: September 27, 2021
Re: Manning Mill Road Bridge

Manning Mill Road Bridge

It was concluded that both our pumper/tanker (58,000 GVWR) and our rescue/pumper (40,000 GVWR) exceed the posted weight limit of the bridge on Manning Mill Road (15 Ton/ 30,000 lbs.). I researched the area of the bridge and determined the following:

- The bridge is approximately 84' long.
- There are multiple posted signs warning traffic of the bridge rating (15 Ton 30,000 lbs.) before reaching the bridge.
- I measured with a wheel and determined the following are distances from the bridge to each address:
 - 101 Manning Mill Road - 315'
 - 106 Manning Milling Road - 426'
 - 116 Manning Mill Road - 680'
 - 124 Manning Mill Road - 704' to the driveway and approximately 1250' from the driveway to the residence. (There is a pond on site that we may be able to utilize for water supply)
 - 141 Manning Mill Road - 975'
 - Last house on Manning Mill Road (No house number)- 1313' to the driveway plus approximately 200' to the residence.

Existing Apparatus

I have looked at potential ways to tactically deal with the bridge situation by utilizing our existing apparatus. Unfortunately, with our current apparatus exceeding the posted weight limit of the bridge, we must keep our apparatus on the east side of the bridge. I looked at the weight rating of our brush truck and found that while it meets the weight rating to cross the bridge, the pump is not rated for interior fire attack.

Grant Funding for Fire Apparatus

I spoke to Lance Harbour from the Assistance to Firefighters Grant Program and inquired about the potential for grant funding for a Quick Attack-Mini Pumper. Lance stated that the AFG grant is tentatively opening sometime in November or December with awards being distributed in the spring. The AFG grant issues awards based on priority of the requested item. Lance advised me that if we had a Quick Attack-Mini Pumper that was antiquated we may stand a chance at getting a grant to replace it. He stated that if this was an addition to our existing fleet, we are not likely to be successful with grant funding from AFG. I also investigated local grant funding opportunities and found there to be no options that would support this project.

Fire Apparatus Options for Purchase

A Quick Attack-Mini Pumper is the type of apparatus that would help solve the fire suppression issue on Manning Mill Road. These trucks are compact, carry water, a pump rated for interior fire attack, and are essentially a mini version of a full-size pumper. The GVWR of these vehicles are typically 19,500 lbs. and would safely cross the bridge for fire suppression. Tactically, we would position our pumper tanker on the east side of the bridge, and we would lay line into the Quick Attack-Mini Pumper. Hand lines would be deployed from the Quick Attack-Mini pumper for fire suppression. This type of truck would also significantly enhance the fire department's ability to access and perform fire suppression in areas of town that are difficult to access (Merchant Road, Piper Woods Road, Babcock Road, and Carmel Road South property.) There are many other ways in which this type of apparatus would enhance the services we provide our citizens, and I would be happy to discuss them with you at any point.

After researching Quick Attack-Mini Pumps I have discovered the following options would be available for purchase at this point:

2003 M&W Ford F-550 Power Stroke V8 Diesel 4x4 Commercial Mini Pumper- \$79,000

- This vehicle has a 6.0 Diesel motor which has caused our department problems in the past. The 6.0 motor is notorious for injector issues/costly repairs. This truck is also approaching 20 years old which is the engine we are about to retire.

2017 Spartan Ford 4x4 Mini Pumper- \$180,000

- This truck is owned by Mosier Fire department in Oregon. I have called to speak with Mike Renault who is the contact for this apparatus. I will update you once I have heard back from him.
- Purchasing a truck owned by an out of state fire department would mean we would not have a warranty and would come with a degree of risk. The vehicle would have to be shipped to us (estimated \$4,000-\$6000). We would want to have the vehicle inspected by an emergency vehicle specialist prior to purchasing which would be an additional cost.

2021 Ford F-550 Commercial 4x4 Rescue- \$195,000

- This truck is owned by Brindlee Mountain Fire Apparatus out of Alabama. I spoke with Jeremy McCoy from Brindlee Mountain about this apparatus. He stated this truck would come with a warranty of 1 year for any failure that cost over \$3,000 with no deductible. Since this is a new truck, it will carry additional warranties on the chassis and components, and he was going to look

into this and get back to me. This truck would be available to us in January, but he stated they may be able to have it to us earlier. He stated that if the council decided to purchase a truck that is owned by Brindlee Mountain, he is willing to work with us and will be aggressive on his pricing to earn our business.

- In my opinion, this truck is the right choice. It will help remediate the issue with the Manning Mill Road Bridge, will enhance our ability to provide fire protection to several hard to access properties in town, and will potentially prolong the life of our existing apparatus.

Please let me know if you have further questions or need additional information.



Contact Us

Office : 256.776.7786
Email : sales@firetruckmall.com
Website: www.firetruckmall.com

15410 US Highway 231,
Union Grove, AL 35175
Stock #: 14797
Price: \$195,000

2021 Ford F-550 Commercial 4X4 Rescue

- 2021 Ford F-550 Commercial 4X4 Rescue
- PowerStroke 6.7L 330 HP Diesel Engine
- 350 Gallon Polypropylene Tank
- Rowe Pumps
- Rear Suction: (1) 2 1/2"
- Federal Q Siren
- Length: 27' 0"
- Wheelbase: 203"
- F-550 Crew Cab 4x4 Ford Chassis
- Torq Shift Automatic Transmission
- Scotty ATP Foam Eductor
-
- Booster Reel
- Mileage: 151
- Height: Truck Height: 7' 4"
- Winch on front bumper
- Seating for 5;
- RPM2-KD24 300 GPM Rear-Mount 1-Stage Pump
- 5 Gallons Foam A/B Foam Cell
- Rear Discharges: (1) 1 1/2" (1) 2 1/2"
- Air Conditioning
- Additional equipment not included with purchase unless otherwise listed.
- GVWR: 19,500



Brindlee Mountain Fire Apparatus is one of the world's largest used fire truck sales and service companies. Based just outside of Huntsville, Alabama, the company has forty-five full-time personnel occupying over 12,000 square feet. Our mechanics, all of whom are EVT certified, perform pump tests, general repairs, preventative maintenance, and body, collision, and paint work on over 500 used fire trucks every year. Visit us online at www.firetruckmall.com



Contact Us

Office : 256.776.7786

Email : sales@firetruckmall.com

Website: www.firetruckmall.com

15410 US Highway 231,

Union Grove, AL 35175

Stock #: 15243

Price: \$180,000

2017 Spartan Ford 4x4 Mini Pumper

- 2017 Spartan Ford 4x4 Mini Pumper
- Ford 6.7L Diesel Engine
- 300 Gallon Polypropylene Tank
- Driver's Side Discharges: (1) 2 1/2"
- Officer's Side Suction: (1) 6", (1) 2 1/2"
- Booster Reels: (1)
- Ground Ladders: 23', 10'
- Additional equipment not included with purchase unless otherwise listed.
- Wheelbase: 186"
- F-550 4x4 Ford Chassis
- Automatic Transmission
- 20 Gallon Foam Cell
- Driver's Side Suction: (1) 6", (1) 2 1/2"
- Front Discharges: (2) 1 1/2"
- Crosslays/Speedlays: Crosslays: (2) 1 1/2", (1) 2 1/2"
- Engine Hours: 249
- Length: 24'
- Seating for 4; 1 SCBA seats
- Hale DSD1250 1250 GPM Side-Mount Pump
- Date of Last Pump Certification: 10/16/2019
- Officer's Side Discharge: (2) 1 1/2", (1) 4"
- Rear Discharges: (1) 2 1/2"
- Air Conditioning
- Mileage: 5,639
- GVWR: 19,500



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Contact Us

Office : 256.776.7786

Email : sales@firetruckmall.com

Website: www.firetruckmall.com

15410 US Highway 231,

Union Grove, AL 35175

Stock #: 13546

Price: Call For Custom Quote

\$79,000

2003 M&W Ford F-550 4x4 Commercial Mini Pumper

- ☐ 2003 M&W Ford F-550 4x4 Commercial Mini Pumper
- ☐ PowerStroke V-8 Diesel Engine
- ☐ Driver's Side Discharges: (1) 2 1/2"
- ☐ Rear Discharges: (1) 2 1/2", (1)
- ☐ Pump Hours: 352
- ☐ Height: Truck Height: 9'
- ☐ F-550 4x4 Ford Chassis
- ☐ Waterous E200 500 GPM Side-Mount Pump
- ☐ Driver's Side Suction: (1) 6", (1) 2 1/2"
- ☐ Booster Reel
- ☐ Mileage: 68,924
- ☐ Brush Guard
- ☐ Seating for 2;
- ☐ 350 Gallon Tank
- ☐
- ☐ Crosslays/Speedlays: Crosslays: (2)
- ☐ Additional equipment not included with purchase unless otherwise listed.



Brindlee Mountain Fire Apparatus is one of the world's largest used fire truck sales and service companies. Based just outside of Huntsville, Alabama, the company has forty-five full-time personnel occupying over 12,000 square feet. Our mechanics, all of whom are EVT certified, perform pump tests, general repairs, preventative maintenance, and body, collision, and paint work on over 500 used fire trucks every year. Visit us online at www.firetruckmall.com



203 E. PARK AVENUE, LIBERTYVILLE, ILLINOIS 60048



847-247-0771



847-247-0772



www.taxexemptleasing.com

September 21, 2021

Town of Hampden
Hampden, Maine

I am pleased to provide the following quote for Town of Hampden for the financing of an Initial Attack Fire Truck on a Ford Chassis for the Hampden Fire Department. This quote is valid for 14 days and is subject to credit review and proper documentation.

Equipment Cost (Approximate):	\$195,000.00		\$195,000.00	
Down Payment:	\$0.00		\$0.00	
Financed Amount:	\$195,000.00		\$195,000.00	
Payment Frequency:	Annual, in advance (first payment due at lease signing)		Annual, in arrears (first payment due one year from lease date)	
Term:	3-years	5-years	3-years	5-years
Rate*:	2.49%	2.49%	2.49%	2.49%
Payment*:	\$66,605.07	\$40,941.61	\$68,263.54	\$41,961.06
Factor^:	.34156	.20996	.35007	.21518

* Rate and payment assume that the Customer is a tax-exempt entity and the purchase of the equipment falls within the type of equipment allowed as tax-exempt under the I.R.S. Code. In the event this purchase is not exempt, the rate and payments will be adjusted accordingly. Further, it is assumed that the transaction will be "bank-qualified" and that the customer will not issue more than \$10 million in tax-exempt leases or bonds in the current calendar year.

^ Factor is based on quoted rates. If the equipment cost changes or a down payment is made, the new payment amount can be calculated by multiplying the new financed amount by the rate factor.

Note: If the equipment will require a "build-out period", the financed amount will be placed into an escrow account at lease signing and funds disbursed as instructed by the customer.

I have attached an application that must be completed in order to proceed with the credit process. In addition, we will need copies of the Town's last 2-years of audited financial statements, along with a copy of its current interim financial statement. Once these items are gathered, please fax all of the information to 866-2-FAX-APP (866-232-9277) or e-mail to markz@taxexemptleasing.com.

I appreciate this opportunity and look forward to proceeding. Please let me know if I can answer any questions. I can be reached at 847-247-0771.

Kind Regards,

Mark M. Zaslavsky
President



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: September 30, 2021
RE: Request to purchase town property

One of our residents, Mr. Meyers, has property on Western Avenue (map 5 lot 48-10) and is purchasing or has purchased by now, property located at map 5 lot 47-2a. He came to see me a couple of weeks ago and asked if he could purchase the tiny strip of town owned parcel between the two lots, highlighted on the following map. He stated he needs it to meet setback requirements for his lot.

I reached out to our attorney to determine if the town could even legally sell it as it was part of an open space requirement for the Nason Knoll subdivision. Although the recorded deed does not expressly state that it must remain open space, the legal opinion is that it is permissible for the town to convey the lot to an abutter for purposes of meeting setback requirements, as long as the lot is not built upon. If the Council chooses to convey, the deed should expressly state that the lot is to remain in open space and cannot be built upon. It is also recommended that the cost of the deed work and any recording fees should be borne by the purchaser and not the town.

The land value as it is in the current commitment is \$19,000 and that is what Mr. Meyers has informally offered. If the pleasure of the council is to convey this property, it would also be the pleasure of the council to determine the selling prices, although staff believes the value to be fair for .56 of an acre.



NOT AN OFFICIAL COPY
NOT AN OFFICIAL QUITCLAIM DEED PY

ELIZABETH M. HALPERN, of Mount Desert, Hancock County, Maine, as a gift for non-monetary consideration deemed adequate by both parties, grants and releases to THE INHABITANTS OF THE TOWN OF HAMPDEN, a body politic and corporate, located in Penobscot County, Maine with a mailing address of 106 Western Avenue, Hampden, Maine 04444, a certain lot or parcel of land, together with any improvements thereon, in Hampden, Penobscot County, Maine, more particularly bounded and described as follows:

That parcel designated as Retained Land "A" in a certain Final Subdivision Plan entitled "Halpern Subdivision" and prepared by Civil Engineering Services, Inc., dated July 29, 1991, and recorded in the Penobscot County Registry of Deeds in Plan File D126-91, being a portion of the "Protected Property" described in the Conservation Easement from Elizabeth M. Halpern to the Town of Hampden, dated October 31, 1991, and recorded in said Registry of Deeds in Book 4935, Page 21.

The property conveyed herein is expressly subject to the terms and conditions of said Conservation Easement from Elizabeth M. Halpern to the Town of Hampden, dated October 31, 1991, and recorded in Book 4935, Page 21.

IN WITNESS WHEREOF, Elizabeth M. Halpern has hereunto set her hand and seal this 6 day of September, 2013.

Witness:

Lisa L. Parsons

Elizabeth M. Halpern
Elizabeth M. Halpern

Hancock County

STATE OF MAINE

September 6, 2013

Personally appeared the above named Elizabeth M. Halpern and acknowledged before me the foregoing instrument to be her free act and deed.

Lisa L. Parsons
Notary Public/Attorney at Law

SEAL

No Transfer Tax Paid

Print or type name as signed

(EP-00748592 - v1)

PENOBSCOT COUNTY, MAINE

Susan F. Bulay
Register of Deeds

LISA L. PARSONS
Notary Public, Maine
My Commission Expires July 19, 2015

Poor Original At
Time of Recording

**Town of Hampden
Tax Information Sheet
As of: 09/30/2021**

Account: 580 **Name:** TOWN OF HAMPDEN

Location: WESTERN AVE

Map and Lot: 05-0-048

Sale Date: 08/21/2013

Deed Reference: B13300P321 08/21/2013 B4549P26
12/10/1969

Sale Price: \$0

Land: 19,000

Total Acres: 0.56

Building: 0

Tree Growth: Soft : 0 Mixed : 0 Hard : 0

Exempt 19,000

Farmland:

Total: 0

Open Space:

Exempt Codes: Amount

Zoning: 13 - Rural

43 - Municipal/County 19,000

SFLA: 0

Amount Mill Rate

Last Billed : 2022-1

00.00 20.700

Previous Billed : 2021-1

00.00 20.400

There are no outstanding taxes.

Information Given By: _____

Title: _____ **09/30/2021**

Tax year July 1 - June 30. Sewer acct # _____

All calculations are as of: 09/30/2021